

By: Representatives Monsour, Boyd

To: Judiciary B

## HOUSE BILL NO. 1061

1 AN ACT TO AMEND SECTION 63-11-40, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PENALTIES FOR DRIVING WHILE A DRIVER'S LICENSE IS  
3 SUSPENDED AS THE RESULT OF AN IMPLIED CONSENT CONVICTION; AND FOR  
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 63-11-40, Mississippi Code of 1972, is  
7 amended as follows:

8 63-11-40. (1) (a) Any person whose driver's license, or  
9 driving privilege has been cancelled, suspended or revoked under  
10 the provisions of this chapter and who drives any motor vehicle  
11 upon the highways, streets or public roads of this state, while  
12 such license or privilege is cancelled, suspended or revoked, for  
13 a first offense shall be guilty of a misdemeanor and upon  
14 conviction shall be punished by imprisonment for not less than  
15 forty-eight (48) hours nor more than six (6) months, and fined not  
16 less than Two Hundred Dollars (\$200.00) nor more than Five Hundred  
17 Dollars (\$500.00).

18 (b) The Commissioner of Public Safety shall suspend the  
19 driver's license or driving privilege of any person convicted



20 under the provisions of this section for an additional six (6)  
21 months for a first offense. Such suspension shall begin at the  
22 end of the original cancellation, suspension or revocation and run  
23 consecutively.

24 (2) Any person whose driver's license or driving privilege  
25 has been cancelled, suspended or revoked under the provisions of  
26 this chapter and who drives any motor vehicle upon the highways,  
27 streets or public roads of this state while such license or  
28 privilege is cancelled, suspended or revoked as a result of a  
29 second or subsequent conviction of a violation of Section  
30 63-11-30(1), regardless of the time period within which said  
31 violations occurred, shall be guilty of a felony and, upon  
32 conviction, shall be punished by imprisonment for not more than  
33 five (5) years and fined not more than Five Thousand Dollars  
34 (\$5.000.00), and such person shall not be eligible to obtain a  
35 license to operate or drive a motor vehicle for a period of five  
36 (5) years from the date of such conviction.

37 **SECTION 2.** This act shall take effect and be in force from  
38 and after July 1, 2013.

